

REMARKS

Upon entry of the above amendment, claims 1-17 and 19-26 will be pending. Claim 18 has been canceled without prejudice to the contained subject matter. Claim 17 has been withdrawn as a result of the election to the restriction requirement. New claims 25 and 26 find support in original claim 11.

No new matter has been added and the claim scope has not been narrowed due to amendment.

Restriction/Election

The Examiner has set forth a restriction requirement. Three Groups have been identified.

Group I, claims 1-16, 19-24, drawn to a pharmaceutical composition.

Group II, claim 17, drawn to a method of treatment of hyperlipidemia.

Group III, claim 18, drawn to the manufacture of a medicament.

The Examiner has further requested an election of species.

Applicants elect the invention of Group I, claims 1-17 and 19-24. Applicants assert that the pharmaceutical composition is novel in its claimed formulations. Applicants elect the species of Example 4.

Example 4:

Inner phase: 10.45 wt% of drug substance, for example pitavastatin Ca-salt, 44.8 wt% of microcrystalline cellulose, 5 wt% of HPMC (3 cps), 18.75 wt% HPMC (100 cps), 1.25 wt% of inorganic water-soluble compound (such as potassium bicarbonate) or water insoluble compound (such as neusilin), the external phase comprising 18.75 wt% HPMC (100'000 cps), 0.5 wt% of silicon dioxide colloidal and 0.5 wt% of magnesium stearate.

Applicants respectfully request the Examiner to continue searching broader beyond the Species of Example 4, if the Species is found to be novel; therefore, Applicants have not amended the claims any narrower. Applicants respectfully request that the Examiner rejoin the method claim 17, if the pharmaceutical composition is found to be novel.

Conclusion

Applicants have responded to the Restriction requirement in full.

Respectfully submitted,

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